

Appl. No. 09/328,975

Amendment dated September 9, 2004

Reply to Office action December 9, 2004

AMENDMENTS TO THE CLAIMS

Please cancel claims 9-19 and amend claims 1 and 8 as follows:

1. (currently amended) A process for delivering a nucleic acid to a cell *in vivo*, comprising:
 - a) forming a ~~complex~~ composition consisting of a nucleic acid and a polycation in a solution wherein the ~~complex~~ composition has a net charge less negative than the nucleic acid;
 - b) ionically associating a charged polymer with the ~~complex~~ compound of step a) in sufficient amount to form a ~~new~~ complex having a net negative charge;
 - c) inserting the complex into a mammal;
 - d) delivering the complex to the cell.
2. (canceled)
3. (previously amended) The process of claim 1 wherein the polycation is selected from the group consisting of polylysine and polyethylenimine.
4. (original) The process of claim 1 wherein the charged polymer comprises a polyanion.
5. (previously amended) The process of claim 4 wherein the polyanion comprises a molecule selected from the group consisting of succinylated PLL, succinylated PEI, polyglutamic acid, polyaspartic acid, polyacrylic acid, polymethacrylic acid, dextran sulfate, heparin, hyaluronic acid, DNA, RNA, and negatively charged proteins.
6. (original) The process of claim 1 wherein the charged polymer comprises a block copolymer.
7. (original) The process of claim 4 wherein the polyanion comprises a molecule selected from the group consisting of pegylated derivatives, pegylated derivatives carrying specific ligands, block copolymers, graft copolymers and hydrophilic polymers.

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8. (currently amended) A tertiary complex for delivering a nucleic acid to a cell *in vivo*, comprising:
- a) the nucleic acid;
 - b) a polycation polymer complexed with the nucleic acid; and,
 - c) a polyanion polymer, having more ~~that~~ than 80 monomer units, complexed with the polycation via ionic interaction, wherein the polyanion polymer is not the nucleic acid of a) and each polymer comprises a block co-polymer.

9-19. (canceled)